

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 13-CV-1459

**APPROXIMATELY \$8,000 IN
UNITED STATES CURRENCY,**

Defendant.

DECISION AND ORDER ON PLAINTIFF'S MOTION TO COMPEL

The United States commenced a civil forfeiture action by filing a verified complaint against the defendant, \$8,000 in seized currency. (Verified Compl., Docket # 1.) The claimant, Terry Cunningham, filed a verified claim (Claim, Docket # 10) and an answer to the verified complaint (Answer, Docket # 13). This matter comes before the Court on the United States' motion to compel answers to interrogatories and requests for production of documents. (Docket # 22.)

The United States filed its motion and supporting affidavit on August 25, 2014 and claimant's counsel received notification of the motion through the court's electronic court filing system. Under Civil L. R. 7(b) claimant had 21 days to respond, plus an additional three days because service was accomplished electronically under Fed. R. Civ. P. 6(d). Claimant's response was due on September 18, 2014. Claimant had not filed a response to the United States' motion and has not requested an extension of time within which to so file.

Claimant has failed to respond to any of the United States' discovery requests. (Docket # 22 at 2.) As required by Fed. R. Civ. P. 37(a), the United States attempted to confer with claimant's counsel in an effort to obtain the discovery prior to moving to compel, without success. (Affidavit of Scott J. Campbell "Campbell Aff." ¶ 4, Exh. 4, Docket # 23.) Thus, based on the Court's review of the United States' motion and supporting affidavit, and the claimant's failure to respond to this motion in a timely manner, the United States' motion will be granted.

NOW, THEREFORE, IT IS HEREBY ORDERED that the claimant, Terry Cunningham, shall answer the United States' interrogatories and its request for production of documents within fourteen (14) days of the date of this Order.

Dated at Milwaukee, Wisconsin this 19th day of September, 2014.

BY THE COURT:

s/Nancy Joseph
NANCY JOSEPH
United States Magistrate Judge